Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Section 402(b)(1)(A)	)	
of the Telecommunications Act of 1996	)	CC Docket No. 96-187
	)	

COMMENTS OF GTE

GTE Service Corporation and its affiliated
domestic telephone operating companies

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SUMMARY

Competition for local exchange carrier services will require LECs to be able to institute tariff changes promptly. Recognizing this, the Telecommunications Act of 1996 amended Section 204 of the Communications Act to allow LECs to file tariffs that are "deemed lawful" on a streamlined basis, one year after the date of enactment of the 1996 Act, regardless of the actual level of competition in the marketplace. GTE strongly supports tariff streamlining. Streamlining benefits consumers by speeding competitive price moves. Prompt and certain tariff revisions encourage LECs to introduce new services and permit innovation. Shortened tariff notice and review processes also assure that parties will not be able to use the Commission's processes solely to delay LEC responses to new competition.

Pursuant to Section 204(a)(3), LEC tariff filings are "deemed lawful." GTE asserts that the clause "deemed lawful" means both that the tariff is presumed lawful when filed, and that once effective, the rates, terms and conditions are lawful. The "deemed lawful" language precludes a later finding in response to a complaint that a rate, classification or practice in effect is unlawful and subject to damages.

Section 204(a)(3) anticipates streamlined tariffing for all LEC tariff filings. GTE disagrees with the Commission's tentative conclusion that only revisions to *existing* services are governed by streamlining, not *new* services. Section 204(a)(3) makes absolutely no such distinction and such a narrow reading is not warranted given the all encompassing language and deregulatory intent of the 1996 Act.

The 1996 Act confers on the Commission authority to forbear from enforcing "any" provision of the Communications Act. GTE has strongly supports "permissive" detariffing and encourages the Commission to pursue detariffing options for the LECs.

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COMMENTS OF GTE SERVICE CORPORATION

GTE Service Corporation ("GTE"), on behalf of its affiliated domestic telephone operating companies, hereby submits its comments on the Commission's *Notice of Proposed Rulemaking* ("*NPRM*") in the above-captioned proceeding.[1]

I. INTRODUCTION

The *NPRM* seeks comment on implementing Section 402(b)(1)(A) of the 1996 Telecommunications Act.[2] That Section amends Section 204(a) of the Communications Act and reforms the Commission's rate review process for all local exchange carriers ("LECs"). The *NPRM* states two aims: (1) to streamline the review process; and (2) to

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1 *Notice of Proposed Rulemaking*, CC Docket No. 96-187, FCC 96-367 (released September 6, 1996).

2 Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 *codified at* 47 U.S.C. §§151 *et seq.* ("the 1996 Act").

promote the broader, pro-competitive aspects of the 1996 Act. The *NPRM* solicits comment on a number of questions raised by the proposed tariff streamlining proposals. The Commission also seeks comment on several tentative conclusions about the meaning of Section 402(b)(1)(A).

II. SECTION 204(a)(3) WAS INTENDED TO SIGNIFICANTLY REFORM THE EXISTING RATE REVIEW PROCESS [*NPRM* ¶¶ 1-4]

A. The 1996 Act is Intended to Deregulate Communications Rates and Practices to The Maximum Extent Possible [*NPRM* ¶¶ 1-4]

The 1996 Act was intended to be a top-to-bottom change in the state of telecommunications law. Congress envisioned a telecommunications marketplace characterized by expanded competition and reduced regulation. As clearly stated, the intent of the 1996 Act is: "to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition."[3]

The congressional intent to reduce regulation is reflected in several specific regulatory amendments as well as in the more general provision contained in Section

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[3] *See* Joint Statement of Managers, S. Conf. Rep. No. 104-230, 104th Cong., 2d Sess. Preamble (1996) ("Joint Explanatory Statement").

401 concerning regulatory forbearance.[4] The FCC and state commissions are also encouraged to utilize any means that are consistent with the public interest, convenience, and necessity in order to promote local competition or to "remove barriers to infrastructure investment."[5]

B. Section 402 is Intended to Eliminate Delays in The Regulatory Process of Examining and Approving LEC Rates [NPRM ¶¶5-15]

Congress recognized that the Commission's rate review process was sorely in need of modernization in the light of the competitive forces unleashed by various provisions of the 1996 Act. One formidable barrier to competition and additional investment is the current tariffing requirements for LECs.[6] Section 402 was intended to eliminate delays in the regulatory process of examining and approving LEC rates.

Under the current rules, LEC filings are often required to be filed on 45 days', and sometimes even on 90 and 120 days', notice. LEC transmittals are often subjected to mandatory deferral or are "voluntarily" deferred under threat of rejection. During these delays, the FCC staff often obtains additional material about the filing. Even after tariffs are permitted to take effect after lengthy notice periods and substantial staff

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4 *See* 47 U.S.C. §159.

5 *Id.*

6 *See* 47 U.S.C. §204(a).

review, parties may still file complaints that raise the identical issues raised in the pre-effective tariff review process. In fact, even if an order were adopted after investigation, it might be subject to additional lengthy proceedings, such as an application for review to the full Commission and petitions for reconsideration.[7]

In an attempt to remedy this situation, Congress amended Section 204 of the Communications Act in 1988 to require the full Commission to issue an order on a tariff investigation within 12 to 15 months after the effective date of the tariff.[8] Recognizing that these provisions did not go far enough to improve the rate review process, Congress dramatically shortened even this amended timetable for completing tariff investigations in the 1996 Act by amending Section 204(a)(2)(A) to require completion of an investigation within 5 months after the date that the charge, classification, regulation, or practice subject to a hearing becomes effective.[9] More importantly, however, the 1996 Act streamlines existing Commission rules on tariff notice periods

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[7] *See* 47 U.S.C. §405.

[8] Pub. L. 100-594, 102 Stat. 3023 (1988).

[9] 47 U.S.C. §204(a)(2)(A

and requires that rates be "deemed lawful."[10] The 1996 Act completed what Congress started years ago -- eliminating barriers to effective competition.

Recognizing that competition for all LEC services will require LECs to be able to institute tariff changes promptly, the 1996 Act applied the amendments discussed above to any charge, classification, regulation, or practice filed on or after one year after the date of enactment of the 1996 Act, regardless of the actual level of competition in the marketplace.[11] These interim changes will be in effect until the FCC determines that complete forbearance from LEC tariff requirements is warranted pursuant to Section 401 of the 1996 Act.

C. Strong Policy Concerns Require The FCC to Streamline The Rate Review Process Significantly [*NPRM* ¶¶ 5-15]

As discussed above, Congress recognized the need to streamline the FCC's rate review process. Streamlining benefits consumers by speeding competitive price moves. Prompt and certain tariff revisions also encourage LECs to introduce new

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[10] *See* 47 U.S.C. §204(a)(3): "A local exchange carrier may file with the Commission a new or revised charge, classification, regulation, or practice on a streamlined basis. Any such charge, classification, regulation, or practice shall be deemed lawful and shall be effective 7 days (in the case of a reduction in rates) or 15 days (in the case of an increase in rates) after the date on which it is filed with the Commission unless the Commission takes action under Paragraph 1 before the end of that 7-day or 15-day period, as is appropriate."

[11] 1996 Act, §402(b)(4).

services and permit innovation. Shortened tariff notice and review processes also assure that parties will not be able to use the Commission's processes solely to delay LEC responses to new competition.

LECs need certainty as to the lawfulness of their rates. Under the existing rules, investigations are often not completed on a timely basis. The failure of the Commission promptly to close these investigations causes undue regulatory burdens on the LECs. For example, undue delays throw rates and multiple price cap actual price and service band indices calculations into question during each year that the investigation is pending.[12] Once a lengthy proceeding is completed, a LEC may be required to recalculate these indices over a number of past years. This kind of uncertainty is unnecessary and unacceptable in an environment with multiple competitors.

In interpreting Section 204(a)(3), it is important for the FCC faithfully to implement this congressional deregulatory policy. GTE is concerned, however, that some of the Commission's tentative conclusions in the *NPRM* propose interpretations which would significantly undermine this congressional policy.

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[12] An example of such a situation is found in the Commission's still uncompleted investigation of 800 database tariffs. *800 Data Base Access Tariffs*, 8 FCC Rcd. 3242 (Com. Car. Bur., released April 28, 1993).

III. SECTION 204(A)(3) IS INTENDED TO PROVIDE PROMPT AND CERTAIN REVIEW OF ALL LEC TARIFF REVISIONS [*NPRM* ¶¶ 5-19]

A. Section 204(a)(3) Eliminates The FCC's Ability to Defer LEC Tariffs Up to 120 Days [*NPRM* ¶¶ 5-15]

One key aspect of Section 204(a)(3) is its provision that LEC tariffs filed on a streamlined basis become effective within either 7 or 15 days. The statute provides for the shorter 7 day period in the case of a rate reduction and the longer period for a rate increase. There are important policy reasons for these provisions. Now that competitors can use the tariff process to delay LEC pricing moves, it is especially important that FCC rate review be prompt and efficient. Moreover, the practice of deferring tariffs deters competition because it permits long, costly, unnecessary delays that can be used by competitors to hinder LEC competitive pricing responses. Section 204(a)(3) eliminates the possibility that the FCC will become unintentionally involved in such dilatory tactics.

As recognized in the *NPRM*, Section 204(a)(3) clearly prevents the Commission from deferring LECs' tariffs past this 7 or 15 day period.[13] This specific provision supersedes the more general provision that permits the FCC to defer a transmittal for up to 120 days. GTE agrees that Congress intended to "foreclose Commission

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[13] *See* 47 U.S.C. § 203(b)(2). The *NPRM* correctly notes that "Congress did not intend for the Commission to defer tariffs eligible for streamlined filing." *NPRM* at ¶6.

exercise of its general authority under Section 203(b)(2) to defer . . . tariffs that LECs may file on 7 or 15 days' notice."[14] Plainly, a 120 day deferral is inconsistent with a 7 or 15 day tariff review period.

The *NPRM* contains other tentative conclusions, however, that are inconsistent with the 7 or 15 day rules. For example, the Commission proposes to require LECs to file a tariff review plan ("TRP") in advance of the tariff.[15] An advanced filing of the TRP is not feasible because much of the TRP information cannot be filed until the tariffs of the LEC and NECA are completed. The TRP, therefore, must remain on the same schedule as the tariff itself. Similarly, the Commission is not proposing any change to the requirement to obtain a Part 69 waiver. Part 69 prescribes very detailed rules which must be revised in order to effectively implement the congressional deregulatory intent.[16] Requiring Part 69 waivers impermissibly extends the statutory 7 or 15 day notice period. Consequently, the FCC should eliminate the Part 69 waiver process.

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[14] *NPRM* at ¶6.

[15] *Id.* at ¶31.

[16] Clearly, the Commission will be considering streamlining Part 69 in the upcoming access reform proceeding. Nonetheless, the Commission should consider some Part 69 reforms, particularly the need for filing Part 69 waivers, in the context of streamlining the tariff filing rules.

B. LEC Tariff Filings are Presumed Lawful When Filed and Become Lawful When Effective

By adding that a charge, classification, regulation, or practice shall be "deemed lawful," the 1996 Act dramatically alters existing tariff precedent. Under the FCC's current practice, a rate that goes into effect without suspension and investigation is considered the "legal rate,"[17] merely establishing the rate a carrier shall collect and a customer shall pay, but not necessarily a "lawful" rate. The *NPRM* suggests that the 1996 Act and the legislative history "are silent regarding the specific consequences of this provision."[18] Nonetheless, no matter what the definition of "deemed lawful," GTE agrees with the *NPRM* that "Congress intended to change the current regulatory treatment of LEC tariff filings."[19]

In Paragraphs 7-15, the *NPRM* advances two interpretations of the clause "deemed lawful." Although the Commission presents these interpretations as an "either or" choice, GTE asserts that the proper interpretation requires an analysis of both definitions. As explained in detail below, however, the Commission's two interpretations are currently construed in a manner that is needlessly narrow and inconsistent.

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[17] *See Arizona Grocery Co. v. Atchison, T. & S.F. Ry. Co.,* 284 U.S. 370 (1932).

[18] *NPRM* at ¶7.

[19] *Id.*

GTE asserts that the clause "deemed lawful" means both that the tariff is presumed lawful when filed, and that once effective, the rates, terms and conditions are lawful and damages cannot be assessed through the complaint process for rates already charged.

1. The "Deemed Lawful" Language Means LEC Tariffs Are Presumed Lawful When Filed and Lawful When Effective [NPRM ¶¶ 5-15]

Under the Commission's first interpretation, all LEC tariffs are lawful once in effect. GTE asserts that this interpretation is strongly supported by a plain reading of Section 204(a)(3) which states that a charge, classification, regulation, or practice shall be "deemed lawful." As the Commission correctly points out, "deemed" is defined as "to hold; consider; adjudge; believe; condemn; determine; treat as if; construe."[20] This language clearly confirms that from the time the tariffs are effective, all LEC tariffs are to be judged to be lawful by operation of the statute and without any express Commission finding.

The *NPRM* expresses concern that under this interpretation a LEC customer would be denied the right to seek relief for past charges since the tariff would be lawful upon taking effect. But as indicated above, Section 204(a)(3) radically alters the existing tariff principle that a tariff allowed to take effect is "legal," but not necessarily

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[20] *Id.* at ¶10 (*citing* Black's Law Dictionary 374 (5th ed. 1981)) (emphasis added).

"lawful." In the new regulatory environment, there will be greater reliance on the marketplace, rather than the regulatory process to seek relief. Congress has made a determination to change the current legal effect of LECs' tariffs and the FCC must develop rules in accordance with this direction.

The *NPRM* suggests that since these streamlined tariffs would be effective without an agency determination of lawfulness, these tariffs are somehow distinguishable from a lawfulness determination in *Arizona Grocery*. GTE asserts that there is no distinction. With the adoption of the 1996 Act, the LEC tariff is deemed lawful by operation of statute, rather than by determination of the agency. The legal effect is the same. For any period a tariff is in effect and deemed lawful, the Commission would be precluded from awarding damages.

Under the Commission's alternative interpretation, "'deemed lawful' could be interpreted, not to change the status of tariffs that become effective without suspension and investigation, but only to establish higher burdens for suspension and investigation, such as by 'presuming' LEC tariffs 'lawful.'"[21] The Commission analogizes this to the non-dominant carrier tariffs currently presumed to be lawful.

The FCC has substantial experience with this principle. Currently, under Section 1.773 of the Commission's rules, tariff filings for non-dominant carriers are considered *prima facie* lawful and will not be suspended unless the petition requesting suspension

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[21] *Id.* at ¶12.

makes a detailed showing.[22] GTE agrees that the 1996 Act extends the presumption of lawfulness, currently enjoyed by non-dominant carriers under 47 C.F.R. §1.773, to all LECs. This interpretation is an essential part of fulfilling the congressional intent in streamlining the LEC tariff process. As stated previously, to require LECs to engage in burdensome proceedings proving that offerings are lawful is no longer required in an increasingly competitive environment.

GTE suggests that rather than viewing the Commission's interpretations as exclusive, both interpretations are correct. A LEC tariff is entitled to a presumption of lawfulness when filed, and when that tariff goes into effect it is a lawful tariff. As discussed below, however, GTE disagrees that damages can be awarded for any period the tariff is in effect.

2. The "Deemed Lawful" Language Precludes a Later Finding in Response to a Complaint That a Rate, Classification or Practice in Effect is Unlawful and Subject to Damages [*NPRM* ¶¶ 5-15]

Part of the FCC's interpretation of the "deemed lawful" language is the assumption that the Commission may find an effective tariff unlawful in response to a

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[22] The showing must include proof that: (1) there is a high probability that the tariff would be found unlawful; (2) any injury to the public due to the unavailability of a service is outweighed by the likely harm to competition; (3) irreparable injury will result if the tariff is not suspended; and (4) suspension is not contrary to the public interest.

complaint filed after the rate revision is deemed lawful upon taking effect pursuant to Section 204(a)(3).[23] That assertion is flatly inconsistent with the literal reading of the statute. Section 204(a)(3)'s "deemed lawful" language effectively limits the procedural vehicles that may be used to challenge a LEC tariff filing because the statute judges the tariff lawful upon taking effect.

Now that a LEC tariff is deemed lawful upon taking effect, there is no longer any question of its past lawfulness being determined in the complaint process. Section 208 permits any person to file a complaint alleging a violation of the Communications Act or the Commission's rules. If such a complaint were filed against a LEC with respect to a "deemed lawful" rate, the FCC would have to deny it as to past charges, since the rate has already been determined by statute to be "lawful." This action is no different from denying any complaint that does not allege a violation of the Act.

A party could, nonetheless, file a complaint alleging continuing violations and seeking prospective relief. If the Commission were then to find, in response to such a complaint, that a charge is unlawful, the Commission could order that rate to be

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[23] *NPRM* at ¶11.

adjusted in the future. However, in accordance with the restriction on retroactive ratemaking, no damages could be awarded for the period prior to that determination.[24]

The Commission should not be concerned that parties will not have adequate opportunity to challenge tariffs. There remains significant pre-effective tariff review mechanisms to determine whether a rate revision should be permitted to take effect.[25] A proposed tariff rate or practice can be rejected if the tariff is patently unlawful, or the revision can be suspended and/or investigated pursuant to Section 204(a). Congress was concerned in enacting Section 204(a)(3) that services which are going to be subjected to increasing competition not be needlessly delayed by regulatory processes. In interpreting this section, the Commission must abide by this concern.

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[24] The Commission correctly noted in Paragraph 9 of its *NPRM* that "[t]he Supreme Court has held that once an agency has determined a rate to be lawful, the agency may not retroactively subject a carrier to reparations for charging that rate if the agency subsequently declares the rate to be unreasonable." *See Arizona Grocery*, 284 U.S. at 390.

[25] Interested parties will have ample opportunity to challenge filed tariff transmittals. Once they have submitted their views to the Commission in the pre-effective tariff review process, it would be unnecessarily duplicative to permit a second chance to raise issues in the complaint process. Of course, if an interested party's petition against the tariff is denied, it can appeal that decision to the courts. This is unlike the current practice where a tariff permitted to take effect is viewed as an unreviewable non-final Order. *See Trans Alaska Pipeline Cases*, 436 U.S. 631 (1978).

C. Section 204(a)(3) Applies to All LEC Tariff Submissions, Not Just for Existing Services [*NPRM* ¶¶ 16-19]

Section 204(a)(3) anticipates streamlined tariffing for all LEC tariff filings. Notwithstanding this direction, the *NPRM* raises the "possibility" that streamlined filing may be available only for rate increases or decreases of existing services and not available for new services. GTE asserts that the statute clearly applies streamlined tariffing to all new or revised charges, classifications, regulations, or practices. Moreover, GTE strenuously disagrees that the statute allows the Commission to distinguish between existing and new services. Section 204(a)(3) makes absolutely no such distinction. Such a narrow reading is not warranted given the all encompassing language and deregulatory intent of Section 204(a)(3).

The *NPRM* tentatively concludes "that all LEC tariff filings that involve changes to the rates, terms and conditions of existing service offerings are eligible for streamlined treatment."[26] GTE agrees. The first sentence of Section 204(a)(3) states clearly and

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[26] *NPRM* at ¶17. The Commission raises the possibility that streamlining applies only to rate increases and decreases. In order to support this interpretation of the statute, the Commission would have to find that the second clause in sentence two somehow overrules both the first sentence and the first clause of the second sentence. Such an interpretation renders the first sentence of Section 204(a)(3) meaningless, thus violating the statutory construction maxim that one provision of a statute cannot be read to make another provision meaningless. *See Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979). ("In construing a statute [the Court] is obligated to give effect, if possible, to every word Congress used.")

simply that LECs may file "on a streamlined basis."[27] The second sentence specifically refers to the first sentence of that section and continues that "*[a]ny such* charge, classification, regulation, or practice shall be deemed lawful . . . ." with rate increases and decreases filed on stated notice periods.[28] Thus, the second sentence Section 204(a)(3) complements the first sentence and emphasizes that streamlining is available for any such charge, classification, regulation, or practice. The breadth of the first sentence cannot be ignored.

As to new services, however, the *NPRM* proposes a different conclusion that only revisions to *existing* services are governed by streamlining, not *new* services. However, Section 204(a)(3) makes no such distinction between new and existing services. In fact, the statute specifically mentions "new or revised" rates which clearly could apply to both new and existing services. Considering the all inclusive language of Section 204(a)(3), the Commission cannot by "interpretation" eliminate new services.

Further, applying streamlined tariff effective dates only to existing services is contrary to the congressional aim of streamlining the rate review process. There is no legitimate reason why Section 204(a)(3) should be so limited because *all* tariffs must be streamlined under the new regime.

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[27] 47 U.S.C. §204(a)(3).

[28] *See* 47 U.S.C. §204(a)(3) (emphasis added).

The Commission's tentative conclusion is also contrary to statutory interpretations prior to the amendments of the 1996 Act. Section 204(a)(1) applies to new or revised changes, classifications, procedures or practices -- precisely the same terminology used in Section 204(a)(3). Section 204(a)(1) has long been held to apply to new services.[29] Congress can be presumed to know existing Commission interpretations of terms and to adopt that same meaning when utilizing the same terminology in subsequent legislation.[30] Therefore, the Commission must find that Section 204(a)(3) applies to all LEC filings, not just to revisions to existing tariffs.

GTE believes that it is important for the Commission to recognize that there is no functional difference between an "increase" in rates and a "new" charge. New charges are increases. Since the 1996 Act requires increased charges to be subject to the 15 day effective period,[31] so too should new charges. Furthermore, Commission policy favoring the rapid introduction of new services supports the use of a 15 day notice period for such tariffs. In the *Second Further Notice of Proposed Rulemaking* in the Price Cap Performance Review Proceeding,[32] the Commission explained the

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[29] Section 204(a) often has been applied to investigate new services. *See, e.g., 800 Data Base Access Tariffs, supra* n.12.

[30] *See, e.g., Albemarle Paper Co. v. Moody,* 422 U.S. 405 (1975).

[31] *See* 47 U.S.C. §204(a)(3).

[32] In the Matter of Price Cap Performance Review for Local Exchange Carriers, 11 FCC Rcd 858 (December 20, 1995) ("*Second Further Notice*").

importance of shorter notice periods for new services when it stated that these shorter periods are designed to "encourage prompt introduction of new tariff offerings, while maintaining the proper level of regulatory oversight."[33] The Commission also noted that shorter notice periods are appropriate where "the competitive circumstances faced by LECs increase" because in such an environment, "unreasonably high . . . rates become less likely."[34] In the light of these Commission pronouncements, the FCC cannot, and should not, hold that new services are excluded from Section 204(a)(3).

D. All LEC Tariff Filings are Presumed Lawful, Not Just Those Filed on 7 or 15 days Notice [*NPRM* ¶¶ 16-19]

By Commission proposing that Section 204(a)(3) only applies to rates filed on 7 or 15 days' notice,[35] the Commission substantially reduces the tariffs which are "deemed lawful." GTE submits that the statutory language does not permit such a strained interpretation. Similarly, the Commission strains the statute to suggest that only tariffs filed on 7 or 15 days are deemed lawful. Section 204(a)(3) states that "any such new or revised charge . . . shall be deemed lawful . . . ." Thus, LEC tariffs that are allowed to become effective pursuant to Section 204(a)(3) are "deemed lawful," even if a LEC voluntarily files on longer than the statutory notice period. If Congress had

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[33] *Second Further Notice*, 11 FCC Rcd at 877.

[34] *Id.* at 882.

[35] *NPRM* at ¶19.

intended that only 7 and 15 day filings were subject to the deemed lawful language, it would have been more specific. Moreover, the statute does not state that tariffs are deemed lawful "only" if filed "on 7 or 15 days notice" as it would if the Commission's proposed interpretations were correct.

E. Section 204(a)(3) does not Preclude Future Forbearance [*NPRM* ¶19]

GTE agrees with the *NPRM* that "Section 204(a)(3) does not preclude the Commission from exercising its forbearance authority under Section 10(a) of the Act to establish permissive or mandatory detariffing of LEC tariffs, should the Commission choose to do so."[36] The 1996 Act confers on the Commission authority to forbear from enforcing "any" provision of the Communications Act. GTE has strongly supported "permissive" detariffing[37] and continues to encourage the Commission to pursue such options for the LECs.

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[36] *Id.*

[37] *See* Comments of GTE, CC Docket No. 96-61, Part II, filed April 25, 1996.

IV. GTE APPLAUDS THE COMMISSION'S EFFORTS TO REDUCE REGULATORY BURDENS AND STREAMLINE THE TARIFF PROCESS [*NPRM* ¶¶ 20-34]

A. The FCC Should Require Carriers to File Tariff Revisions Electronically [*NPRM* ¶¶ 20-34]

The Commission has determined that electronic filing of tariffs would further the congressional purpose of streamlining the tariff process.[38] GTE agrees and urges the adoption of an electronic filing regime in lieu of paper filing of tariffs. A clear benefit of electronic filing is that it would "permit carriers to file, and the public to obtain access to, tariffs, tariff transmittal letters, and tariff support by means of dial-up access or through the Internet."[39]

For universal availability, it is important that the Commission require all carriers to file tariffs and revisions electronically. Requiring electronic filing would make tariffs available to all members of the public, including to those who do not have ready access to the Commission's public reference rooms. This in turn would benefit carriers, consumers, and state and other federal regulators. Universal electronic filing would also facilitate the gathering of aggregate carrier data for industry analyses without imposing additional reporting requirements on carriers.[40] Consistent with the 1996 Act,

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38 *NPRM* at ¶21.

39 *Id.*

40 *Id.*